

## SELECTBOARD MEETING MINUTES

---

Tuesday, August 15, 2023, 5:30 p.m, Old Schoolhouse Common and Zoom

---

**Present:** Selectboard members Richard Baker, Justin Campbell, and Michele Gonzales; Town Clerk Bobbi Brimblecombe; Assistant Town Clerk Alexandra Johnson; Visitors: Joe McLean (Town Attorney), Bob Silverstein, Cary and Janice Smith, Larry Larrow, Ronald and Betty Gingras, Rich and Nathan Phillips, Steve Fiske (Conservation Commission), Dina Bookmyer-Baker (DRB)

At 5:30 p.m. the meeting was called to order by Chair Richard Baker

**Changes or additions to the agenda:** Susan Condon's concerns, building status, and proposal from Forest Farmers

**Minutes:** The Board approved the minutes of the August 8, 2023 minutes.

**Executive Session:** At 5:32, Rich moved to find that premature general public knowledge of the subject matter would place the town at a disadvantage. Justin seconded. All in favor. Rich moved to enter executive session to receive confidential information protected by attorney/client privilege. Justin seconded – all in favor. The Board returned to open session at 6:15 p.m.

**Railroad Bed Repair:** There is a section of the railroad bed that is barely passable. Forest Farmers, the Cross Vermont Trail, and VAST have asked permission to do some repairs. They are going to come up with a proposal to discuss with the Selectboard. Rich suggested that they meet with the Road Crew to help with estimates. Larry Larrow asked if the presentation would be open to the public. Rich explained that it would be presented at the Selectboard meeting on the 29<sup>th</sup>. Rich has also applied for a grant that we will hear about by the 29<sup>th</sup>.

**Railroad Bed Reclassification:** Rich moved to drop the matter. Justin seconded – all in favor.

**Class 4 Road Policy:** Rich has suggested an amendment to the Class 4 road policy, to delineate what maintenance the town would do on Class 4 roads. His idea is to categorize the Class 4 roads according to how many dwellings are on the road. The category would determine how often the road is raked or graded. Jan Smith asked if it would include maintenance of culverts. Justin explained that the storm damage has caused the Town to look at the maintenance issues and policies. The policy will make it clear who is responsible for repairs. Jan asked if the Town is responsible for culverts and bridges. Justin explained that this is a common misconception that we have even heard from VTrans, but it is not correct. Jan explained that the people at Turtlehead Pond were cut off for five days, and she wants to know who will have to fix it if it washes out again. Justin explained that this is the reason for looking at the policy, so that people will know next time. Rich explained that there is no required maintenance on Class 4 roads, and people who live on Class 4 roads should know that. Justin explained that we have not had a situation where all of the roads have been out at the same time. Cary Smith complemented the town and how they have repaired the roads. Rich will work on the policy and add information about hydrologically

connected segments, and bring it back to the August 29<sup>th</sup> meeting.

**Martin Covered Bridge:** Rich Phillips presented the Board with a plan to clean up the Covered Bridge Park. There is a lot of silt and woody debris. There is riprap needed on the river bank. Bobbi suggested that the work should wait for FEMA because they have strict rules about debris removal, and environmental and archeological concerns, and they will need to see the condition of the park in order to calculate reimbursement for work to be done. Rich P. is concerned about the erosion that is happening. When FEMA does their site visit, Rich P. will be notified. Steve Fiske asked to also have the Conservation Commission involved.

**Cassidy Road:** Bob Silverstein asked what is happening with the bridge. Justin explained that we only got one bid for repairs to the bridge, for over \$400,000. We are in a holding pattern, waiting for FEMA. It is too large a job for the road crew to handle due to the size of equipment needed. One of Justin's suggestions is for Allen to solicit bids on his own, so that he has some alternative numbers, because we are stuck at this point. He doesn't see how we can accept the bid without some kind of cost control. Bob asked if the bridge has to be a certain standard. Bobbi suggested that if the road was thrown up, there would be no standards. Allen is concerned that throwing up the road would mean he couldn't get connected. He doesn't have access by emergency vehicles, fuel trucks, etc. and he wouldn't have that if the road is thrown up. Rich explained that on a Class IV road, there is no standard for the road, and no guarantee that an emergency vehicle will be able to get through. Allen agreed that it does not make sense to impoverish the town for one house. Bob Silverstein asked about floating a bond for the bridge. Justin stated that they will look at all options. He recognizes that the bridge is essential to the Banburys but we can't be certain that FEMA will agree. Bobbi suggested that the Banburys apply for FEMA rental assistance to relocate for now. Rich asked Bob Silverstein if he is ok with the Banburys using the logging road. He said yes, temporarily, but he would not allow it to become permanent. The logging road is right next to one of the landslides, and it is very steep. Allen will talk to contractors to see what they think it will cost to repair the abutment.

**Old Schoolhouse Common:** Steve Fiske – Bee the Change non-profit put down wildflower seed at the old schoolhouse along the bank. He suggested planting a couple of trees in addition. The Selectboard approved, as long as there is no cost to the Town. Rich suggested that something should be put down along the edge of the parking lot to prevent people from parking on it. Steve said about a third of the pollinator garden is still there. The middle of it got dumped on with gravel. He would like to have the area left the way it is. Justin explained that the Board has not come up with a plan for the grounds, but maybe we will move things around and put the new picnic shelter on the other side of the road and put ballfields on the river side of the property.

**Development Review Board:** The DRB would like to consult the Town Attorney to learn what they are allowed to review in relation to accessory on-farm uses. This came up as a result of the Henry Harris case. Rich suggested the DRB should having a discussion with the Town Attorney, and then have the Town Attorney review their decision. Justin noted that several neighbors have questioned whether there is actually a farm there. Dina explained that the Agency of Agriculture makes that determination, and the Town does not have the right to question that. Neighbors can

appeal to the Agency of Agriculture about that. Justin moved to allow the DRB to have a one-hour consultation with the Town Attorney, and also a review of the decision. Michele seconded. Rich recused himself – two in favor.

**Library Use of Gym:** Rich has drafted a Memorandum of Understanding for the Library to take over control of the gym. The Library Trustees will come to a future meeting to discuss it.

**Mold Testing:** The testing will occur on Wednesday, with test results next Monday. Rich moved to allow the Library to open using their side entrance, and to keep the rest of the building closed until the results of the testing, and to reopen the building if the mold test results are satisfactory, and to authorize Bobbi to arrange for whatever remediation is recommended. Michele seconded – all in favor.

**Bridge Contract Requirements:** The contractors have asked whether a performance bond is required. Rich explained that a performance bond guarantees that the contractor or developer will build what they stated they would build. Rich moved not to require a performance bond for the temporary bridges, noting that we want to avoid the delay in this emergency situation, and the final payment will not be approved until the work is complete. Justin seconded – all in favor. A bond will be required for the permanent bridges.

**Permanent Bridges:** The Board will discuss RFP's for engineering at the next Selectboard meeting.

**Railroad Bed:** The Forest Farmers have asked for the Town to replace a culvert on the Railroad Bed. It will be discussed at the next Selectboard meeting.

**Susan Condon's email:** Tabled

**Expenses, Permits & Payroll:** Selectboard members read and approved reports for General Expenses and Payroll.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,  
Bobbi Brimblecombe, Town Clerk

The foregoing is a true copy of the Minutes of the August 15, 2023 Selectboard Meeting.  
A True Record. Attest, \_\_\_\_\_, Town Clerk

\*\*\*\*\*